

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
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CHAPTER 248

HOUSE BILL 2836

AN ACT

AMENDING SECTIONS 14-5314, 14-5414, 14-5414.01, 14-5419 AND 14-5425, ARIZONA
REVISED STATUTES; RELATING TO GUARDIANS AND CONSERVATORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 14-5314, Arizona Revised Statutes, is amended to
3 read:

4 14-5314. Compensation of appointees; definitions

5 A. If not otherwise compensated for services rendered, an
6 investigator, accountant, lawyer, physician, registered nurse practitioner,
7 PSYCHOLOGIST OR guardian ~~or temporary guardian~~ WHO IS appointed pursuant to
8 this article, INCLUDING AN INDEPENDENT LAWYER REPRESENTING THE ALLEGED
9 INCAPACITATED PERSON PURSUANT TO SECTION 14-5303, SUBSECTION C, is entitled
10 to reasonable compensation from the estate of the ward if the petition is
11 granted, or from the petitioner if the petition is denied.

12 B. IF THE PETITIONER WITHDRAWS THE PETITION OR IF THE PETITION IS
13 DISMISSED BECAUSE OF THE PETITIONER'S FAILURE TO PROSECUTE, THE COURT MAY
14 ORDER THAT THE COMPENSATION OF THE INVESTIGATOR, ACCOUNTANT, LAWYER,
15 PHYSICIAN, REGISTERED NURSE, PSYCHOLOGIST OR GUARDIAN APPOINTED PURSUANT TO
16 THIS ARTICLE, INCLUDING AN INDEPENDENT LAWYER REPRESENTING THE ALLEGED
17 INCAPACITATED PERSON PURSUANT TO SECTION 14-5303, SUBSECTION C, BE PAID
18 EITHER FROM THE WARD'S ESTATE OR BY THE PETITIONER, DEPENDING ON THE FACTS
19 AND CIRCUMSTANCES. IN MAKING THIS DETERMINATION, THE COURT MAY CONSIDER ANY
20 EVIDENCE IT DEEMS APPROPRIATE.

21 C. A LAWYER WHO IS EMPLOYED BY THE GUARDIAN TO REPRESENT THE GUARDIAN
22 IN THE GUARDIAN'S APPOINTMENT OR DUTIES AS GUARDIAN IS ENTITLED TO REASONABLE
23 COMPENSATION FROM THE WARD'S ESTATE IF THE PETITION IS GRANTED. IF THE
24 PETITIONER WITHDRAWS THE PETITION OR IF THE COURT DISMISSES THE PETITION
25 BECAUSE OF THE PETITIONER'S FAILURE TO PROSECUTE, THE COURT MAY ORDER THAT
26 THE COMPENSATION OF THE PROPOSED GUARDIAN'S LAWYER BE PAID EITHER FROM THE
27 WARD'S ESTATE OR BY THE PETITIONER, DEPENDING ON THE FACTS AND CIRCUMSTANCES.
28 IN MAKING THESE DETERMINATIONS, THE COURT MAY CONSIDER ANY EVIDENCE IT DEEMS
29 APPROPRIATE.

30 D. A LAWYER WHO IS EMPLOYED BY THE PETITIONER TO REPRESENT THE
31 PETITIONER IN SEEKING THE APPOINTMENT OF A GUARDIAN IS ENTITLED TO REASONABLE
32 COMPENSATION FROM THE WARD'S ESTATE IF THE PETITION IS GRANTED.

33 E. If the court compensates the provider of a service, the court may
34 charge the estate for the reasonable cost of the service and shall deposit
35 these monies in the probate fund pursuant to section 14-5433.

36 ~~B. F. Notwithstanding subsection A of this section, If compensation~~
37 ~~by the ward or the petitioner is not feasible the court shall determine and~~
38 ~~pay reasonable compensation for services rendered by an investigator,~~
39 ~~accountant, lawyer, physician, registered nurse practitioner, PSYCHOLOGIST OR~~
40 ~~guardian or temporary guardian appointed in a guardianship proceeding.~~

41 G. FOR THE PURPOSES OF THIS SECTION:

42 1. "GUARDIAN" INCLUDES BOTH A GUARDIAN AND A TEMPORARY GUARDIAN.

43 2. "PETITION" MEANS A PETITION FILED PURSUANT TO SECTION 14-5303,
44 SUBSECTION A OR SECTION 14-5310, SUBSECTION A.

45 3. "WARD" INCLUDES AN ALLEGED INCAPACITATED PERSON.

1 Sec. 2. Section 14-5414, Arizona Revised Statutes, is amended to read:
2 14-5414. Compensation and expenses; definitions

3 A. If not otherwise compensated for services rendered, any
4 investigator, accountant, lawyer, physician, REGISTERED NURSE, PSYCHOLOGIST
5 OR conservator ~~or special conservator~~ WHO IS appointed in a protective
6 proceeding, INCLUDING A LAWYER OF THE PERSON ALLEGED TO BE IN NEED OF
7 PROTECTION PURSUANT TO SECTION 14-5407, SUBSECTION B, is entitled to
8 reasonable compensation from the estate OF THE PROTECTED PERSON IF THE
9 PETITION IS GRANTED OR FROM THE PETITIONER IF THE PETITION IS DENIED.

10 B. IF THE PETITIONER WITHDRAWS THE PETITION OR IF THE COURT DISMISSES
11 THE PETITION BECAUSE OF THE PETITIONER'S FAILURE TO PROSECUTE, THE COURT MAY
12 ORDER THAT THE COMPENSATION OF THE INVESTIGATOR, ACCOUNTANT, LAWYER,
13 PHYSICIAN, REGISTERED NURSE, PSYCHOLOGIST OR CONSERVATOR WHO IS APPOINTED
14 PURSUANT TO THIS ARTICLE, INCLUDING A LAWYER OF THE PERSON ALLEGED TO BE IN
15 NEED OF PROTECTION PURSUANT TO SECTION 14-5407, SUBSECTION B, BE PAID EITHER
16 FROM THE PROTECTED PERSON'S ESTATE OR BY THE PETITIONER, DEPENDING ON THE
17 FACTS AND CIRCUMSTANCES. IN MAKING THESE DETERMINATIONS, THE COURT MAY
18 CONSIDER ANY EVIDENCE IT DEEMS APPROPRIATE.

19 C. A LAWYER WHO IS EMPLOYED BY THE CONSERVATOR TO REPRESENT THE
20 CONSERVATOR IN THE CONSERVATOR'S APPOINTMENT OR DUTIES AS CONSERVATOR IS
21 ENTITLED TO REASONABLE COMPENSATION FROM THE ESTATE IF THE PETITION IS
22 GRANTED. IF THE PETITIONER WITHDRAWS THE PETITION OR IF THE PETITION IS
23 DISMISSED BECAUSE OF THE PETITIONER'S FAILURE TO PROSECUTE, THE COURT MAY
24 ORDER THAT THE COMPENSATION OF THE PROPOSED CONSERVATOR'S LAWYER BE PAID
25 EITHER FROM THE PROTECTED PERSON'S ESTATE OR BY THE PETITIONER, DEPENDING ON
26 THE FACTS AND CIRCUMSTANCES. IN DETERMINING WHICH PARTY SHALL PAY, THE COURT
27 MAY CONSIDER ANY EVIDENCE IT DEEMS APPROPRIATE.

28 D. A LAWYER WHO IS EMPLOYED BY THE PETITIONER TO REPRESENT THE
29 PETITIONER IN SEEKING THE APPOINTMENT OF A CONSERVATOR IS ENTITLED TO
30 REASONABLE COMPENSATION FROM THE PROTECTED PERSON'S ESTATE IF THE PETITION IS
31 GRANTED.

32 E. If the court pays for any of these services it may charge the
33 estate for reasonable compensation. The clerk shall deposit monies it
34 collects in the probate fund pursuant to section 14-5433.

35 ~~B.~~ F. Compensation payable to the department of veterans' services,
36 when acting as a conservator of the estate of a veteran or a veteran's
37 surviving spouse or minor child or the incapacitated spouse of a protected
38 veteran, shall not be more than five per cent of the amount of monies
39 received during the period covered by the conservatorship. A copy of the
40 petition and notice of hearing shall be given to the proper officer of the
41 veterans administration in the manner provided in the case of any hearing on
42 a guardian's account or any other pleading. ~~No~~ A commission or compensation
43 ~~shall be~~ IS NOT allowed on the monies or other assets received from a prior
44 conservator ~~nor upon~~ OR ON the amount received from liquidation of loans or
45 other investments.

1 G. FOR THE PURPOSES OF THIS SECTION:

2 1. "CONSERVATOR" INCLUDES A CONSERVATOR, TEMPORARY CONSERVATOR OR
3 SPECIAL CONSERVATOR.

4 2. "PETITION" MEANS A PETITION FILED PURSUANT TO SECTION 14-5401.01,
5 SUBSECTION A OR SECTION 14-5404, SUBSECTION A.

6 3. "PROTECTED PERSON" INCLUDES A PERSON WHO IS ALLEGED TO BE IN NEED
7 OF PROTECTION.

8 Sec. 3. Section 14-5414.01, Arizona Revised Statutes, is amended to
9 read:

10 14-5414.01. State veterans' conservatorship fund

11 A. The state veterans' conservatorship fund is established.

12 B. All conservatorship monies collected pursuant to section 14-5414,
13 subsection B- F shall be deposited, pursuant to sections 35-146 and 35-147,
14 by the department of veterans' services in the state veterans'
15 conservatorship fund. On notice from the department of veterans' services,
16 the state treasurer shall invest and divest monies in the fund as provided by
17 section 35-313, and monies earned from investment shall be credited to the
18 fund.

19 Sec. 4. Section 14-5419, Arizona Revised Statutes, is amended to read:

20 14-5419. Accounts; definition

21 A. EXCEPT AS PROVIDED PURSUANT TO SUBSECTION F OF THIS SECTION, every
22 conservator must account to the court for the administration of the estate
23 not less than annually on the anniversary date of qualifying as conservator
24 and also on resignation or removal, and on termination of the protected
25 person's minority or disability, except that for good cause shown ~~upon~~ ON the
26 application of an interested person, the court may relieve the conservator of
27 filing annual or other accounts by an order entered in the minutes.

28 B. The court may take such action as is appropriate ~~upon~~ ON filing of
29 annual or other accounts. In connection with any account, the court may
30 require a conservator to submit to a physical check of the estate in the
31 conservator's control, to be made in any manner the court may specify.

32 C. An adjudication allowing an intermediate or final account can be
33 made only ~~upon~~ ON petition, notice and a hearing. Notice must be given to:

34 1. The protected person.

35 2. A guardian of the protected person if one has been appointed,
36 unless the same person is serving as both guardian and conservator.

37 3. If no guardian has been appointed or the same person is serving as
38 both guardian and conservator, a spouse or, if the spouse is the conservator,
39 there be no spouse or the spouse is incapacitated, a parent or an adult child
40 who is not serving as a conservator.

41 4. A guardian ad litem appointed for the protected person, if the
42 court determines in accordance with section 14-1403 that representation of
43 the interest of the protected person would otherwise be inadequate.

1 D. An order, made ~~upon~~ ON notice and a hearing, allowing an
2 intermediate account of a conservator, adjudicates as to the conservator's
3 liabilities concerning the matters considered in connection therewith. An
4 order, made ~~upon~~ ON notice and a hearing, allowing a final account
5 adjudicates as to all previously unsettled liabilities of the conservator to
6 the protected person or the protected person's successors relating to the
7 conservatorship.

8 E. In any case in which the estate consists, in whole or in part, of
9 benefits paid by the veterans administration to the conservator or the
10 conservator's predecessor for the benefit of the protected person, the
11 veterans administration office ~~which~~ THAT has jurisdiction over the area is
12 entitled to a copy of any account filed under chapter 5, article 4 of this
13 title. Each year in which an account is not filed with the court, the
14 conservator ~~shall~~, if requested, SHALL submit an account to the appropriate
15 veterans administration office. If such an account is not submitted as
16 requested, or if it is found unsatisfactory by the veterans administration,
17 the court ~~shall~~, ~~upon~~ ON receipt of notice ~~thereof~~ OF THE DEFICIENCY, SHALL
18 require the conservator ~~forthwith~~ to file an account with the court PROMPTLY.

19 F. UNLESS PROHIBITED BY ORDER OF THE COURT, THE CONSERVATOR MAY FILE
20 WITH THE COURT, IN LIEU OF A FINAL ACCOUNT, A VERIFIED STATEMENT STATING
21 THAT:

22 1. THE PROTECTED PERSON HAS DIED. THE CONSERVATOR SHALL ATTACH A
23 CERTIFIED COPY OF THE PROTECTED PERSON'S DEATH CERTIFICATE TO THE STATEMENT.

24 2. THE PROTECTED PERSON'S SUCCESSORS HAVE ALL WAIVED IN WRITING THEIR
25 RIGHT TO HAVE THE CONSERVATOR SUBMIT TO THE COURT A FINAL ACCOUNT OF THE
26 CONSERVATOR'S ADMINISTRATION OF THE PROTECTED PERSON'S ESTATE. THE
27 CONSERVATOR SHALL ATTACH THE ORIGINALS OF THE WRITTEN WAIVERS TO THE
28 STATEMENT.

29 3. THE CONSERVATOR HAS DELIVERED A COPY OF A CLOSING STATEMENT TO THE
30 PROTECTED PERSON'S SUCCESSORS. THE CONSERVATOR SHALL ATTACH A COPY OF THE
31 CLOSING STATEMENT TO THE STATEMENT.

32 G. THE CLOSING STATEMENT THAT IS TO BE DELIVERED TO THE PROTECTED
33 PERSON'S SUCCESSORS SHALL BE A VERIFIED STATEMENT STATING THE FOLLOWING:

34 1. THE PROTECTED PERSON HAS DIED AND THE DATE OF THE PERSON'S DEATH.

35 2. THE PERSONS RECEIVING THE CLOSING STATEMENT HAVE A RIGHT TO HAVE
36 THE CONSERVATOR SUBMIT TO THE COURT A FINAL ACCOUNT OF THE CONSERVATOR'S
37 ADMINISTRATION OF THE PROTECTED PERSON'S ESTATE.

38 3. IF THE PERSON WISHES TO HAVE THE FINAL ACCOUNTING REVIEWED BY THE
39 COURT, THE PERSON SHOULD NOT SIGN A WAIVER THAT WAIVES THIS RIGHT.

40 4. IF ALL PERSONS RECEIVING THE CLOSING STATEMENT CHOOSE TO WAIVE THE
41 RIGHT TO HAVE THE CONSERVATOR SUBMIT TO THE COURT A FINAL ACCOUNT, THE FINAL
42 ACCOUNT WILL NOT BE REVIEWED BY THE COURT.

1 5. A LIST OF THE PROPERTY OWNED BY THE PROTECTED PERSON, AS OF THE
2 DATE OF THE PROTECTED PERSON'S DEATH, IS ATTACHED TO THE CLOSING STATEMENT
3 AND THAT THE LIST STATES THE FAIR MARKET VALUE OF THE PROPERTY AS OF THE DATE
4 OF THE PROTECTED PERSON'S DEATH.

5 6. THE CONSERVATOR, BY THE CLOSING STATEMENT, SHALL INFORM THE
6 PROTECTED PERSON'S SUCCESSORS THAT IF THEY WAIVE COURT REVIEW OF THE
7 CONSERVATOR'S FINAL ACCOUNT, THE CONSERVATORSHIP WILL BE TERMINATED, THE
8 CONSERVATOR WILL BE DISCHARGED FROM ALL LIABILITIES RELATING TO THE
9 CONSERVATORSHIP, THE BOND OR OTHER SECURITY POSTED BY THE CONSERVATOR WILL BE
10 EXONERATED AND ANY RESTRICTIONS PREVIOUSLY IMPOSED ON THE ASSETS OF THE
11 CONSERVATORSHIP WILL BE LIFTED.

12 H. THE CONSERVATOR SHALL FILE AN AFFIDAVIT WITH THE COURT THAT STATES
13 THAT THE CLOSING STATEMENT WAS SENT OR DELIVERED TO THE PROTECTED PERSON'S
14 SUCCESSORS ON A DATE BEFORE THE DATE THAT THE PROTECTED PERSON'S SUCCESSORS
15 SIGNED THE WRITTEN WAIVER.

16 I. UNLESS PROCEEDINGS ARE PENDING AGAINST THE CONSERVATOR, ON THE
17 FILING OF THE STATEMENT DESCRIBED IN SUBSECTION F OF THIS SECTION AND THE
18 AFFIDAVIT DESCRIBED IN SUBSECTION H OF THIS SECTION, THE COURT SHALL ENTER AN
19 ORDER TERMINATING THE CONSERVATORSHIP, DISCHARGING THE CONSERVATOR FROM ALL
20 LIABILITIES RELATING TO THE CONSERVATORSHIP, EXONERATING AND RELEASING ANY
21 BOND OR OTHER SECURITY POSTED BY THE CONSERVATOR AND RELEASING ANY
22 RESTRICTIONS PREVIOUSLY IMPOSED ON THE ASSETS OF THE CONSERVATORSHIP.

23 J. FOR THE PURPOSES OF THIS SECTION, "PROTECTED PERSON'S SUCCESSORS"
24 MEANS:

25 1. THE PERSONAL REPRESENTATIVE OF THE PROTECTED PERSON'S ESTATE IF THE
26 PERSONAL REPRESENTATIVE AND THE CONSERVATOR ARE NOT THE SAME PERSON.

27 2. IF THE CONSERVATOR AND THE PERSONAL REPRESENTATIVE OF THE PROTECTED
28 PERSON'S ESTATE ARE THE SAME PERSON AND IF THE PROTECTED PERSON DIED
29 INTESATE, THE PROTECTED PERSON'S HEIRS.

30 3. IF THE CONSERVATOR AND THE PERSONAL REPRESENTATIVE OF THE PROTECTED
31 PERSON'S ESTATE ARE THE SAME PERSON AND IF THE PROTECTED PERSON DIED TESTATE,
32 THE DEVISEES UNDER THE PROTECTED PERSON'S WILL THAT HAS BEEN ADMITTED TO
33 PROBATE.

34 Sec. 5. Section 14-5425, Arizona Revised Statutes, is amended to read:
35 14-5425. Distributive duties and powers of conservator

36 A. A conservator may expend or distribute income or principal of the
37 estate without court authorization or confirmation for the support,
38 education, care or benefit of the protected person and the person's
39 dependents in accordance with the following principles:

40 1. The conservator shall consider recommendations relating to the
41 appropriate standard of support, education and benefit for the protected
42 person made by a parent or guardian, if any. The conservator may not be
43 surcharged for sums paid to persons or organizations actually furnishing
44 support, education or care to the protected person pursuant to the
45 recommendations of a parent or guardian of the protected person unless the

1 conservator knows that the parent or guardian is deriving personal financial
2 benefit ~~therefrom~~ FROM THIS ACTION, including relief from any personal duty
3 of support, or unless the recommendations are clearly not in the best
4 interests of the protected person.

5 2. The conservator shall expend or distribute sums reasonably
6 necessary for the support, education, care or benefit of the protected person
7 and the person's dependents with due regard to:

8 (a) The size of the estate, the probable duration of the
9 conservatorship and the likelihood that the protected person, at some future
10 time, may be fully able to be wholly self-sufficient and able to manage
11 business affairs and the estate.

12 (b) The accustomed standard of living of the protected person and the
13 person's dependents.

14 (c) Other funds or sources used for the support of the protected
15 person.

16 3. With respect to the affairs and estate of a minor, the conservator
17 shall also consider the following factors in making estate distributions:

18 (a) The financial responsibility and financial resources of the
19 parents of the child.

20 (b) Extraordinary custodial responsibilities undertaken by the parent
21 or parents as the result of the child's physical or mental condition and the
22 effect of these extraordinary responsibilities on appropriate gainful
23 employment of the parent.

24 (c) The physical and mental condition of the child and the child's
25 medical and educational needs. Any incidental benefit to other members of
26 the child's household derived from a distribution is not a disqualifying
27 factor.

28 (d) If the child is permanently and totally disabled, the standard of
29 living the child should reasonably expect to enjoy given the financial
30 resources available to the child.

31 4. The conservator may expend funds of the estate for the support of
32 persons legally dependent on the protected person and others who are members
33 of the protected person's household, who are unable to support themselves,
34 and who are in need of support. If benefits are being paid by the veterans
35 administration to the conservator, such income may be expended only for the
36 support of the protected person and the person's spouse and minor children,
37 except ~~upon~~ ON petition to and prior order of the court after a hearing.

38 5. Funds expended under this subsection may be paid by the conservator
39 to any person, including the protected person, to reimburse for expenditures
40 ~~which~~ THAT the conservator might have made, or in advance for services to be
41 rendered to the protected person when it is reasonable to expect that they
42 will be performed and where advance payments are customary or reasonably
43 necessary under the circumstances.

1 6. A conservator, in discharging the responsibilities conferred by a
2 court order and this section, shall implement the principles described in
3 section 14-5408 to the extent possible.

4 B. When a minor who has not been adjudged disabled under section
5 14-5401, paragraph 2 attains majority, the conservator, after meeting all
6 prior claims and expenses of administration, shall pay over and distribute
7 all funds and properties to the former protected person as soon as possible.

8 C. When the conservator is satisfied that a protected person's
9 disability, other than minority, has ceased, the conservator, after meeting
10 all prior claims and expenses of administration, shall pay over and
11 distribute all funds and properties to the former protected person as soon as
12 possible.

13 D. If a protected person dies, the conservator may deliver to the
14 court for safekeeping any will of the deceased protected person ~~which~~ THAT
15 may have come into the conservator's possession or deliver the will to the
16 personal representative named in the will. If the will is delivered to the
17 personal representative named in the will, a copy of the will shall be filed
18 with the court in the conservatorship proceeding. If the will is filed with
19 the court, the conservator shall inform the personal representative or a
20 beneficiary named ~~therein~~ IN THE WILL that the conservator has done so, and
21 retain the estate for delivery to a duly appointed personal representative of
22 the decedent or other persons entitled ~~thereto~~ TO THE ESTATE. ~~If after forty~~
23 ~~days from the death of the protected person no other person has been~~
24 ~~appointed personal representative and no application or petition for~~
25 ~~appointment is before the court~~ ANY OF THE FOLLOWING SITUATIONS EXIST, the
26 conservator may apply to exercise the powers and duties of a personal
27 representative so that the conservator may proceed to administer and
28 distribute the decedent's estate without additional or further appointment:

29 1. FORTY DAYS AFTER THE DEATH OF THE PROTECTED PERSON ANOTHER PERSON
30 HAS NOT BEEN APPOINTED PERSONAL REPRESENTATIVE AND AN APPLICATION OR PETITION
31 FOR APPOINTMENT IS NOT BEFORE THE COURT.

32 2. ANOTHER PERSON HAS NOT BEEN APPOINTED PERSONAL REPRESENTATIVE AFTER
33 THE PROTECTED PERSON'S DEATH, AN APPLICATION OR PETITION FOR APPOINTMENT IS
34 NOT BEFORE THE COURT AND THE CONSERVATOR IS THE PERSON WITH PRIORITY AS
35 DETERMINED BY A PROBATED WILL, INCLUDING A PERSON WHO IS NOMINATED BY A POWER
36 CONFERRED IN A WILL.

37 3. ANOTHER PERSON HAS NOT BEEN APPOINTED PERSONAL REPRESENTATIVE AFTER
38 THE PROTECTED PERSON'S DEATH, AN APPLICATION OR PETITION FOR APPOINTMENT IS
39 NOT BEFORE THE COURT, AFTER THE EXERCISE OF REASONABLE DILIGENCE THE
40 CONSERVATOR IS UNAWARE OF ANY UNREVOKED TESTAMENTARY INSTRUMENT RELATING TO
41 PROPERTY LOCATED IN THIS STATE AND ALL THE HEIRS OF THE PROTECTED PERSON HAVE
42 NOMINATED THE CONSERVATOR TO EXERCISE THE POWERS AND DUTIES OF A PERSONAL
43 REPRESENTATIVE.

1 E. The conservator may include in ~~such~~ an application MADE PURSUANT TO
2 SUBSECTION D OF THIS SECTION a request to probate the will of the deceased
3 protected person OR TO ADJUDICATE THAT THE PROTECTED PERSON DIED INTESTATE
4 AND TO DETERMINE THE PROTECTED PERSON'S HEIRS. On receipt of an application,
5 the registrar, after making the findings required pursuant to section
6 14-3303, IF APPLICABLE, shall issue a written statement of informal probate,
7 OR A STATEMENT OF INTESTACY, and shall endorse the letters of the
8 conservator. The registrar may also enter the will of the deceased protected
9 person to probate. The statement of the registrar under this section shall
10 have the effect of an order of appointment of a personal representative as
11 provided in section 14-3308 and chapter 3, articles 6 through 10 of this
12 title, except that the estate in the name of the conservator, after
13 administration, may be distributed to the decedent's successors without prior
14 ~~re-transfer~~ RETRANSFER to the conservator as personal representative. IN
15 EXERCISING THE POWERS AND DUTIES OF A PERSONAL REPRESENTATIVE AFTER THE DEATH
16 OF THE PROTECTED PERSON, THE CONSERVATOR IS NOT REQUIRED TO ACCOUNT FOR THE
17 ADMINISTRATION PURSUANT TO SECTION 14-5419 BUT IS SUBJECT TO THE RELATED
18 DUTIES OF A PERSONAL REPRESENTATIVE FOR THE ADMINISTRATION.

19 ~~E.~~ F. If a protected person dies, and on reasonable inquiry the
20 conservator is unable to locate any person specified in section 36-831,
21 subsection A, paragraphs 1 through 11 willing to assume the duty of burying
22 the body of the decedent or making other funeral and disposition
23 arrangements, the conservator may make reasonable burial or other funeral
24 arrangements, the cost of which is a charge against the estate.

25 ~~F.~~ G. The estate of a deceased protected person is liable for any
26 unpaid expenses of the conservator's administration, and such expenses are a
27 lien on property transferred by the conservator to the decedent's personal
28 representative.

APPROVED BY THE GOVERNOR MAY 27, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 27, 2008.